



**Request for City Council Committee Action
From the City Attorney's Office**

Date: September 16, 2003
To: Public Safety & Regulatory Services Committee
Referral to:

Subject: Report on Fourth Judicial District Domestic Violence Court

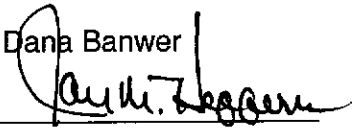
Recommendation: That the Public Safety and Regulatory Services Committee receives and files this report.

Previous Directives: None

Prepared by: Dana Banwer

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Approved by:


Jay M. Heffern
City Attorney

Presenter in Committee: Dana Banwer, Deputy City Attorney, Criminal

Financial Impact (Check those that apply)

- ☒ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
☐ Action requires an appropriation increase to the Capital Budget
☐ Action requires an appropriation increase to the Operating Budget
☐ Action provides increased revenue for appropriation increase
☐ Action requires use of contingency or reserves
☐ Other financial impact (Explain):
☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Neighborhood Notification: N/A

City Goals: Build communities where all people feel safe and trust the City's public safety professionals and systems; Promote public, community and private partnerships to address disparities and to support strong, healthy families and communities.

Comprehensive Plan N/A

Zoning Code N/A

Other N/A

Background/Supporting Information

The City Attorney's Office has long been committed to the aggressive prosecution of domestic violence cases. The Office utilizes a specialized domestic abuse prosecution team to prosecute more effectively domestic violence cases. Currently, the City Attorney's Office Domestic Abuse Team consists of seven full-

time prosecutors, two paralegals, the equivalent of one full-time case investigator, and one victim witness assistant. In addition, the Office contracts with the Council on Crime and Justice to assist the City in meeting its statutory obligations to victims of crime. Over the past several years, the Minneapolis City Attorney's Office has included in its annual office work plan objectives related to domestic abuse prosecution. The 2003 City Attorney's Office approved work plan includes the following:

- Continue to provide a grant-funded prosecutor to the Family Violence Unit of the Minneapolis Police Department to support work with investigators to support enhanced and effective evidence-based prosecution of domestic assault cases;
- Draft and execute an agreement among the County Attorney's Office, the MPD and the City Attorney's Office specifying the respective roles and responsibilities regarding charging of domestic abuse cases as felonies;
- In collaboration with the MPD, enhance prosecution of domestic violence crimes by evaluating, prioritizing and investigating high-risk misdemeanor and gross misdemeanor domestic assault cases; and
- Following evaluation and investigation, refer appropriate domestic assault cases to the County Attorney's Office for felony charging.

The City Attorney's Office has a lengthy history of collaboration with other county, city and independent agencies, including the Domestic Abuse Service Center (DASC), the Domestic Abuse Project (DAP), the Battered Women's Justice Project (BWJP) and the Minneapolis Police Department. Collaborative projects have included work on the Minneapolis Model for Policing, and most recently, work to implement the new Domestic Violence Court with Hennepin County District Court.

In 2000, the City Attorney's Office worked closely with the Hennepin County District Court to establish a Domestic Violence Court. Hennepin County District Court established and began operating a Domestic Violence Court on November 13, 2000, with several primary goals, including improving the efficiency with which Domestic Violence Court cases are processed and resolved, reducing recidivism and non-compliance with court conditions among Domestic Violence Court defendants, and increasing the victims' level of satisfaction with the way in which the Court handles domestic violence cases. Attached is a report prepared by the Hennepin County District Court Research Division entitled "Domestic Violence Court: Case Processing Update and Recidivism Analysis." The report compares data on domestic assault-related cases from January 1, 1998 to September 30, 1998, with the same period in 2001.

DEDICATED DOMESTIC VIOLENCE COURT

Prior to November 2000, domestic abuse cases were handled along with all other misdemeanor and gross misdemeanor cases and were sorted only by the "out-of-custody" or "in-custody" status of the defendant. Beginning in November, 2000, the Hennepin County District Court implemented the Domestic Violence Court. By creating a court that deals exclusively with domestic abuse crimes, prosecutors, judges and community corrections personnel hoped to intervene more quickly and effectively in the lives of victims and offenders, while linking them to needed resources that may help address underlying issues, such as chemical dependency.

The Domestic Violence Court was developed after many months of planning by the Fourth Judicial District Bench, in concert with criminal justice and community partners, including prosecutors, public defenders,

probation supervisors, law enforcement, and domestic violence advocates. The Domestic Violence Calendar hears both arraignments and pretrial hearings for "in-custody" and "out-of-custody" misdemeanor domestic violence cases.

All defendants charged with assault, whether domestic or non-domestic, make their first appearance on the domestic violence courtroom calendar. Once a case moves beyond arraignment, however, the court focuses exclusively on domestic violence cases. More specifically, the court hears only those cases where the parties involved have currently or have had an intimate relationship. The focus is on the relationship, not the charge. Charges may include domestic assault, damage to property, violation of an order for protection, violation of a no contact order, violation of an harassment order, stalking and interference with a 911 call. In these cases, the court presides over pretrial conferences, revocation hearings, and any number of other types of miscellaneous appearances.

THE STUDY

From the inception of the Domestic Violence Court, Hennepin County has utilized its Research Division to study the effects this specialty courtroom has had on domestic abuse cases. By comparing statistics from 1998 to 2001, the study focuses on case processing and recidivism outcomes. In addition to comparing statistics from 1998 to 2001, the Court compared statistics in Minneapolis domestic abuse cases to statistics in suburban domestic abuse cases heard by the Fourth Judicial District.

While case processing and recidivism were the focus of the study, the study concluded that the Minneapolis City Attorney's Office Domestic Abuse Team is receiving favorable results in more cases than in 1998, and that the cases are being processed more quickly by Minneapolis than by the suburbs. Moreover, the study concluded that Minneapolis is performing better on domestic abuse cases than are the suburbs.

CASE PROCESSING AND DISPOSITION

The majority of domestic violence cases in Hennepin County are tab charged, which means that the case need not be formally charged by the City Attorney's Office to proceed. In other jurisdictions where cases are not tab charged, the prosecutor has the ability to decline charging a case, which may result in a case declination, rather than a case dismissal. Tab charging often results in dismissal of a case charged by the police due to insufficient evidence or other reasons. The Court Research Division took note of this practice in concluding that tab charging accounts for higher dismissal rates in Minneapolis than in similar size jurisdictions outside of Minnesota.

Since the start of the Domestic Violence Court, the number of cases tab charged dropped significantly. At the same time, gross misdemeanor charges (which must be charged by complaint) more than tripled in Minneapolis between 1998 and 2001. Some of this increase is attributable to statutory changes in domestic violence cases that allow more enhancements to gross misdemeanor charges. The study concluded that since the inception of the Domestic Violence Court, Minneapolis prosecutors are able to be involved in an earlier point in time for many domestic violence cases, and, therefore, able to build a better case than was possible in 1998.

The study concluded that domestic violence cases are reaching conclusion more quickly than in the past. The average length of time to process a case (from offense to resolution) in Minneapolis dropped from 45 days in 1998 to 42 days in 2001. The average length of time from charging a case (acceptance by court) to resolution dropped from 42 days in 1998 to 36 days in 2001.

By contrast, case processing time in the suburbs has increased during the same period and is longer than in Minneapolis, with an average length of time from court acceptance to resolution of 63 days in 2001 as compared with 60 days in 1998. Moreover, the findings are even more dramatic for the cases involving the romantic relationships in Minneapolis. The average length of time from court acceptance to resolution in such a case was 35 days in 2001, five days less than for non-romantic relationship cases.

RECIDIVISM ANALYSIS

Pretrial recidivism decreased slightly in Minneapolis since the start of the Domestic Violence Court. Approximately 8% of the 2001 domestic assault defendants have some new offense charged before the disposition on their current cases but after they have had their first appearance. This figure was 9% in 1998. Less than 3% have a new domestic assault offense charged between arraignment and disposition, compared to 4% to 1998. In the suburbs, however, both pretrial recidivism and pretrial domestic assault recidivism appear to have increased since 1998 (from 8% to 9.5%).

The study also concluded that the rate of recidivism within nine months of conviction for domestic violence also declined in Minneapolis (from 36% to 33%). Again both types of recidivism rates increased in the suburbs. While the study noted that recidivism rates are still lower in the suburbs, recidivism rates rose in the suburbs during this same period (from 25% to 27%).

CONVICTION RATE

The study recognized that the City Attorney's Office Domestic Abuse Team prosecutors often do not control the charging decision. Rather, police officers tab charge defendants without input from the City Attorney's office. The study concluded that this practice would explain the dramatic differences in dismissal rates between Minneapolis and similarly sized jurisdictions.

Most importantly, the study revealed that the dismissal rate in all domestic violence cases in Minneapolis dropped by 23% between 1998 and 2001. Likewise, the conviction rate increased by 18% during the same period. Broken down further, the conviction rate in cases involving romantic relationships is 50% as compared to 30% for non-romantic relationship assault cases. In other words, the conviction rate is 20% higher in those cases handled by the Domestic Abuse Team. By contract, the conviction rate for suburban cases is down 4% since 1998. While overall, the conviction rate in the suburbs is nearly 20% higher than in Minneapolis, the study concludes that this is likely due to demographics. In addition, there are more gross misdemeanors charged in the suburbs than in Minneapolis, which necessitate a longer case processing time and generally results in more convictions.

While it is difficult to point to any one thing that has contributed to the increase in conviction rates, decrease in dismissal rates, and a decrease in recidivism rates, it is clear that the combined efforts of the City Attorney's Office Domestic Abuse Team and the District Court's implementation of a Domestic Violence Court have resulted in improved handling of domestic violence cases. In addition, the City Attorney's Office work with its domestic abuse partners has resulted in greater focus on the dynamics associated with domestic abuse cases, thereby, improving the Office's handling of these cases.